

REMARKS

Claims 1 to 16 are pending in this case. The title of the invention has been objected to for being not descriptive. Claims 1-12 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Dahan et al., *The Predictive Power of Internet-Based Product Concept Testing Using Visual Depiction and Animation* (1998) in view of Onoe et al., U.S. Patent No. 5,951,642. By this Response, applicant amended the title of the invention as suggested in the Office Action. In addition, applicant amended claims 4, 5, 10, and 11 and added new claims 13-16. Reconsideration of the subject patent application is hereby respectfully requested in view of the above amendments and the following remarks.

In paragraph 1 of the Office Action, the title of the invention was objected for being not descriptive. Applicant wishes to thank the USPTO Patent Examiner for his helpful suggestions of amending the title of the invention. In response, applicant has amended the title to read as: "INTERNET BASED PRODUCT CONCEPT SELECTION UTILIZING ACCESS FREQUENCIES." Accordingly, the subject objection is believed to be overcome.

In paragraphs 2 and 3 of the Office Action, claims 1-12 have been rejected under 35 U.S.C. § 103 over Dahan in view of Onoe. Applicant respectfully traverses the above rejection for at least the following reasons.

The present invention is directed to a method of network marketing by placing sample data related to potential products on a home page of a server, or by transmitting such sample data to personal computers of customers. Based on either access frequencies of the sample data on the home page or selected frequencies of the sample data in replies from the customers, the products are developed and sold or, in the alternative, a database containing access or selected frequencies of the product sample data is created and sold to relevant companies.

The Office Action admits that Dahan does not teach or suggest selecting a product based on user "access frequencies" or "selected frequencies"¹ as claimed. Onoe has been cited for its teachings of a network marketing research system in which user information (including user access frequencies) is collected, analyzed and reported on.

Applicant respectfully disagrees with the above proposition. Applicant submits that there is no teaching or suggestion that Dahan and Onoe be combined to arrive at the claimed invention. Dahan and Onoe adopt different schemes to achieve different goals. In particular, Dahan is directed to an Internet product concept testing process, in which a single, "best" design is selected by online viewers from a number of finished prototypes of the products. Each prototype in Dahan is designed to have full compliment of predetermined attributes (e.g., size, durability, time for inflation, ease of inflation, and price).

Onoe, on the other hand, relates to an on-Internet information collection method in which an information collector's server collects and statistically processes the viewing habits of the viewers, who browse on Internet. The collected and processed viewing information is later used by the information provider to evaluate and improve its web site. Neither Dahan nor Onoe teaches or suggests that they be combined to arrive at the claimed invention. Consequently, one skilled in the art will not be motivated to combine Onoe with Dahan.

Moreover, applicant respectfully submits that Dahan and Onoe cannot be combined, because the combination would render Dahan unsatisfactory for its intended purpose. As the Office Action admits, the Internet product concept testing process in Dahan results in the "best" design for later product development. Such intended purpose would be defeated should the references be combined as suggested

¹ Applicant understands the term "access frequencies" on page 15, line 3 of the Office Action in the rejection of claim 4 as "selection frequencies" as actually recited in the claim.

in the Office Action. As one skilled in the art will appreciate, the result obtained by collecting and statistically processing the viewing information as taught in Onoe will depend on the viewing activities and may not give rise to the “best” design intended by Dahan.

For example, a particular participant might look at a first design four times, but really considers a second design to be the “best” design although she viewed the second design only three times. If the teachings of Onoe are applied to Dahan, the resultant combination would take the first design as her selection, a design which she viewed more often but did not prefer. Consequently, such combination would deviate from the purpose of Dahan. Accordingly, one skilled in the art will not be motivated to combine Onoe with Dahan to arrive at the claimed invention since the addition of Onoe would render Dahan unsatisfactory for its intended purpose. See M.P.E.P. § 2143.02.

Further, the combination of Dahan and Onoe would change the principle of operation of Dahan. In Dahan, the “best” design is specifically selected by the participants from various prototypes regardless how often the various prototypes are viewed. Conversely, the viewing information in Onoe is collected and processed by the information collector’s server, while the viewers passively browse the Internet. Accordingly, Dahan and Onoe differ from each other in operation principle and are thus are not combinable. See M.P.E.P. § 2143.02. Therefore, one skilled in the art will not be motivated to combine Onoe with Dahan to arrive at the claimed invention. Accordingly, the claimed invention is not obvious over Dahan and Onoe.

Claim 4 has been amended to recite “transmitting sample data relating to one or more characteristics of products,” that “the sample data of the one or more characteristics comprises a plurality of options for each characteristic,” and “developing products corresponding to selection frequencies of the plurality of choices with respect to each of the characteristics.” Because neither Dahan nor Onoe discloses

the above claim features, the present invention recited in the amended claim 4 is patentable over Dahan and Onoe.

Claim 10 has been amended to recite "identifying at least one characteristic relating to a product that may satisfy market needs," "providing a plurality of choices with respect to the identified characteristic," "transmitting the plurality of choices with respect to the characteristic," and "creating a database containing information corresponding to selection frequencies of the plurality of choices with respect to the characteristic." Because neither Dahan nor Onoe discloses the above claim features, the present invention recited in the amended claim 10 are patentable over Dahan and Onoe. Accordingly, claims 4 -6 and 10-12 are believed to be allowable for the above additional reasons.

New claims 12-16 were added to depend from claims 4 and 10, respectively, and thus are believed to be allowable for at least the same reasons claims 4 and 10 are allowable.

Applicant has shown that all pending claims 1 to 16 are patentable over the cited art and hereby respectfully requests that the rejection of the pending claims be withdrawn. Each of the presently pending claims 1-16 in this application is believed to be in immediate condition for allowance and such action is earnestly solicited.

No fee is believed to be due for this Amendment. Should any fees be required, please charge such fees to Deposit Account No. 50-2215.

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Respectfully submitted,

By

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